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| 10/087,954 | 02/27/2002 | Dwip N. Banerjee | AUS920020025US1 | 5351 |

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| EXAMINER |
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GREIMEL, JOCELYN

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| ART UNIT | PAPER NUMBER |
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09/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/087,954 | Applicant(s) BANERJEE ET AL. | |
| | Examiner Jocelyn Greimel | Art Unit 3693 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to Applicant's Amendments and Remarks filed 06 July 2007 and the interview of 20 July 2007.

Status of Claims

Claims 1-41 are currently pending. Claims 1-4, 8, 16, 25-26 and 32-41 are currently amended. Claims 1, 25 and 32 are independent claims.

Response to Arguments

Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 recites the limitation "the availability list". There is insufficient antecedent basis for this limitation in the claim. The claim has been evaluated as best understood by the Examiner and appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims rejected under 35 U.S.C. 102(b) as being anticipated by). In reference to claims 1, 25 and 32, discloses a method, system and apparatus for a bartering system including:

- a. receiving a needs list having at least one needed item a user desires to acquire; receiving a priority indication for the at least one needed item, wherein the priority indication indicates a level of desire the user has in acquiring the at least one needed item and wherein the priority indication indicates items that are equivalent to the at least one needed item;
- b. constructing the needs list with the priority indication into a barter protocol language; and
- c. searching available items for a match with each of the at least one needed item based upon the priority indication wherein an item having a lower priority indication is matched as being equivalent to the at least one needed item only if an item having a higher priority is not found (0009-0010; 0013-0017; 0025; --6-; 0093-0094; 0158-0160).

3. wherein the bartering protocol language specifies a range of near equivalency associated with a plurality of dissimilar item to form near equivalent items, wherein the near equivalent item are items that are dissimilar to the at least one needed item, and wherein the priority indication indicates whether a near equivalent item will be satisfactory to the user in lieu of the at least one needed item (0158-0160).
4. wherein searching available items is performed first within a same bartering system and performed second across a different bartering system if no match is found during the search within the first bartering system (0175).
5. wherein the first bartering system associated with a first barter protocol language and wherein the different bartering system associated with the second barter protocol language and further comprising; translating, before the searching is performed across the different bartering system, the needs list from the first barter protocol language to a common barter protocol language, wherein the common protocol language comprises a representation of the needs list and the availability list that is common to both the first bartering system and the different bartering system (0178-0180).
6. wherein the needs list further comprises a range of near equivalent items with each near equivalent item having an associated priority indication indicating a user's desire to accept a given near equivalent item in lieu of a given needed item if a match for the given needed item is not found (0158-0160).

7. wherein the match is a direct match having a one to one correspondence (abstract; 0178-0180).

8. wherein the match is a chained association involving the needs list and availability lists of a plurality of users (0009-0010; 0046-0053).

9. wherein the first bartering system associated with a first barter protocol language and the different bartering system associated with a second barter protocol language and further comprising translating before the searching is performed across the different bartering system, the needs list from the first barter protocol language to the second barter protocol language (0178-0180).

10. further comprising receiving a second priority indication for a given available item indicating a user's desire to use the given available item to carry out a bartering transaction (0158-0160).

11. wherein the second priority indication is indicated by a monetary value that the user is willing to accept for the given available item (0158-0160; figure 3A).

12. further comprising receiving a monetary value associated with each of the at least one needed item (0158-0160; figure 3A).

13. further comprising receiving a monetary value priority indication, associated with the received monetary value, wherein the monetary value priority indication indicates a user's willingness to vary a payment value for a given needed item from the monetary value (0158-0160; figure 3A).
14. further comprising receiving a monetary value priority indication, associated with the received monetary value, wherein the monetary value priority indication indicates a user's willingness to vary a received value for a given available item from the monetary value (0158-0160; figure 3A).
15. wherein the monetary value is received from data provided by a rating agency (0013-0017).
16. wherein receiving a priority indication for a group of two or more items (0158-0160).
17. wherein the barter protocol language is in XML (0053; 0175).
18. wherein each of the at least one needed item can be at least one of a physical item and a nonphysical item or service (0050-0052).

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19. wherein each physical item and each nonphysical item has a corresponding representation mechanism within the barter protocol language (0050-0052).

20. further comprising indicating equivalency of at least one available item with at least one needed item (0158-0160; figure 3A).

21. further comprising finding a match for at least one given available item in consideration for a found match for at least one given needed item, wherein the at least one available item, and the at least one needed item are represented in terms of equivalency (0158-0160; figure 3A).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
September 12, 2007

 9-17-07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600